

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

YOON DOELGER, and  
PETER DOELGER,

*Plaintiffs,*

No. 1:21-cv-11042-AK

vs.

JPMORGAN CHASE BANK, N.A., and  
CHICKASAW CAPITAL MANAGEMENT,  
LLC,

*Defendants.*

**STIPULATION AND [PROPOSED] ORDER DISMISSING DEFENDANT JPMORGAN  
CHASE BANK, N.A.'S COUNTERCLAIMS WITHOUT PREJUDICE**

Defendants JPMorgan Chase Bank, N.A. (“JPMC”) and Chickasaw Capital Management, LLC, together with Plaintiffs Yoon Doelger and Peter Doelger (the “Parties”), enter into this Stipulation and [Proposed] Order (the “Order”), which they understand and intend will become effective only when ordered by the Court. The Parties’ arguments in support of this Order are set forth in (a) JPMC’s Motion for Entry of Partial Final Judgment on Plaintiffs’ Claims and Dismissal Without Prejudice, or a Stay, of its Counterclaims (Doc. No. 422-423); and (b) the Parties’ Joint Motion for Entry of Partial Final Judgment on Plaintiffs’ Claims; Dismissal Without Prejudice, or a Stay, of JPMC’s Counterclaims; and a Stay of any Motions for Fees or Costs (collectively, the “Motions”).

The Parties hereby stipulate and, having considered the Motions, the Court hereby **ORDERS** that:

1. JPMC’s counterclaims (as set forth in Counts I–III of its Answer, *see* Doc. No. 25 at 93–96) are dismissed without prejudice to JPMC’s right to reassert those claims under

- one of the following two circumstances: (1) in this action, but only in the event that any of Plaintiffs' claims are reinstated after appeal of any final judgment dismissing Plaintiffs' claims, or (2) in any action Plaintiffs commence in which they assert the same or substantially similar claims.
2. In the event any of Plaintiffs' claims are reinstated following an appeal of any final judgment dismissing Plaintiffs' claims, JPMC's counterclaims will, upon JPMC's request after remand, be reinstated *nunc pro tunc* to their status immediately prior to their dismissal without prejudice pursuant to this Order.

**SO ORDERED.**

---

The Hon. Angel Kelley  
U.S. District Judge

Dated: \_\_\_\_\_, 2024

Dated: October 25, 2024

/s/ James R. Serritella

**KIM & SERRITELLA LLP**

James R. Serritella\*  
110 W. 40th Street, 10th Floor  
New York, NY 10018  
Tel: (212) 960-8345  
jserritella@kandslaw.com

**GARDNER & ROSENBERG P.C.**

Joshua W. Gardner (BBO No. 657347)  
One State Street, Fourth Floor  
Boston, MA 02109  
Tel. (617) 390-7570  
josh@gardnerrosenberg.com

*Attorneys for Plaintiffs Yoon Doelger and  
Peter Doelger*

Respectfully submitted,

/s/ Tracy O. Appleton

**DONTZIN NAGY & FLEISSIG**

Tibor L. Nagy, Jr.\*  
Tracy O. Appleton\*  
William H. LaGrange\*  
31 East 62<sup>nd</sup> St.  
New York, New York 10065  
Tel: 212.717.2900  
tibor@dnflp.com  
tappleton@dnflp.com

**MANATT, PHELPS & PHILLIPS LLP**

Joan A. Lukey (BBO #307340)  
Max A. Jacobs (BBO #707327)  
One Beacon Street, Suite 28-200  
Boston, MA 02108  
Tel: 617.646.1488  
jlukey@manatt.com

*Attorneys for Defendant JPMorgan Chase  
Bank, N.A.*

/s/ Ryan R. Baker

**BASS, BERRY & SIMS PLC**

Ryan R. Baker\*  
The Tower at Peabody Place  
100 Peabody Place Suite 1300  
Memphis, TN 38103-3649  
Tel: 901.543.5705  
rbaker@bassberry.com

**FRENIERE LAW GROUP PLLC**

40 Grove Street, Suite 275  
Wellesley, MA 02482  
Tel: 781.489.5464  
dfreniere@frenierelawgroup.com

*Attorneys for Defendant Chickasaw Capital  
Management, LLC*

\*Admitted pro hac vice